

School Nurse Frequently Asked Questions About SC Immunization Laws and Regulations

**Provided by
SC Department of Health & Environmental Control (DHEC)
Division of Women & Children's Services
and the
Immunization Division**

1. Must a student have a valid immunization certificate in order to attend school?

In order to attend school, every student is required to have a valid South Carolina Certificate of Immunization *or* one of the following exemptions on file at the school – medical exemption, religious exemption, or special exemption (Section 44-29-180 and 44-29-190 of the SC Code of Laws; Section 61-8 of the Code of Regulations of South Carolina). A copy of a valid certificate of immunization or certificate of exemption should be on file at the school.

2. What is a medical exemption? Who is allowed to issue a medical exemption?

A medical exemption is an exemption issued when a physician or other health care practitioner has determined that a particular vaccine required for school attendance is not advisable for a student because of health reasons. If a student qualifies for a medical exemption, the student's health care practitioner will issue a South Carolina Certificate of Medical Exemption. An individual licensed to practice medicine, surgery, or osteopathy or his/her authorized representative must sign a South Carolina Certificate of Medical Exemption. The student must meet the requirements for the medical exemption as stated in the schedule of required vaccinations. This means that the student has a specific "contraindication" to the required vaccine as described in the specific vaccine's recommendations as published by the Advisory Committee on Immunization Practices (ACIP). The physician must also identify that the vaccine is medically contraindicated and whether the exemption is temporary or permanent. If temporary, the physician must specify a date when the exemption ends and the student is required to have the vaccine(s).

3. What is a religious exemption? Who is allowed to issue a religious exemption?

A South Carolina Certificate of Religious Exemption (From Immunization) may be granted to any student whose parents, parent, guardian, or person in loco parentis signs the appropriate section of the certificate stating they are members of a recognized religious denomination in which the tenets and practices of the religious denomination conflict with immunizations. The official South Carolina Certificate of Religious Exemption is the DHEC 1126 form. This form is available at any DHEC county health department. The parent, guardian, or person in loco parentis must request the form in

person and the DHEC staff will explain how to complete the form, which must be executed before a Notary Public of South Carolina. DHEC staff will also provide the parent, guardian, or person in loco parentis with Vaccine Information Statements for all vaccines required for school to assist the parent, guardian, or person in loco parentis in making an educated decision about their request for a religious exemption. DHEC does not issue the certificate; DHEC only makes it available to the parent who must then follow the specific regulations in order to properly execute the certificate. Once the parent signs the form and the form is notarized, it becomes a legal certificate in SC and should be recognized as such by any school.

4. What is a special exemption? Who is allowed to issue a special exemption? When can a special exemption be issued?

A student may be issued a special exemption for 30 calendar days by a school principal or his/her authorized representative if (a) the student is transferring from another school and needs time for the records to arrive from their former area of residence or (b) the student has been unable to secure immunizations or documentation of immunizations already received and needs time to secure the appropriate immunization(s) and/or documentation. A South Carolina Certificate of Special Exemption must be issued and signed by the school principal or his/her authorized representative.

According to Section 44-29-180 of the SC Code of Laws and Section 61-8 of the SC Code of Regulations, the Certificate of Special Exemption is valid for 30 calendar days from the date of enrollment. "Date of enrollment" is not defined in the statutes. The intent of the law is to give parents / guardians of students who qualify for a special exemption 30 calendar days after notification of the immunization requirements to comply. The Special Exemption should be issued as early in the registration process for school as possible and the parents / guardians should be given 30 calendar days from the date of issuance to comply.

If a student's lack of immunization compliance was missed during the registration process and the student needs a Certificate of Special Exemption, the Special Exemption should be issued at the time of discovery and the parents / guardians should be allowed 30 calendar days to comply.

At the end of the 30-day period noted on a Certificate of Special Exemption, a valid South Carolina Certificate of Immunization, or a valid South Carolina Certificate of Medical Exemption, or a valid South Carolina Certificate of Religious Exemption must be presented. If the student does not have the appropriate documentation of compliance at the end of the 30-day period, the school's principal should suspend the student.

According to the immunization laws and regulations, a Certificate of Special Exemption may be issued only once. This means that a school cannot issue a second Certificate of Special Exemption at the end of the 30-day period to give the parents / guardians

additional time to comply. If the student transfers to another school, however, the student's new school can, if needed, issue a Special Exemption while waiting for documentation of the student's immunization status.

Contact your local DHEC health department for blank South Carolina Certificates of Special Exemption (DHEC 1123 form).

5. Whose responsibility is it to ensure that each student has a completed immunization certificate or a valid exemption from immunizations on file at the school?

The ultimate responsibility for ensuring that each student has a completed immunization certificate or a valid exemption from immunizations on file rests with the school's principal and the school district's superintendent. Each school's principal decides, according to the policies and procedures of his/her school district, how tasks related to ensuring compliance with immunization laws / regulations will be carried out.

6. Is the school responsible for verifying that the correct number of doses has been given at the correct intervals on South Carolina Certificates of Immunization issued by entities other than the school?

The school is responsible for reviewing each student's South Carolina Certificate of Immunization to determine if each applicable section appears to be complete. The school should note whether the certificate indicates that all required immunizations have been received or whether follow-up is needed. If an expiration date is noted for any type of exemption, the student and his/her parents/guardians should be informed that an updated certificate will be required no more than one month following the expiration date. The school is expected to verify that the correct number of vaccination dates is noted on the certificate for each immunization required for school attendance. The school is responsible for ensuring that the certificate has been signed or stamped.

The school *is not* responsible for scrutinizing the intervals between doses on certificates issued by medical providers. School administrators or their designees should work closely with the DHEC Regional Immunization Program Manager and Disease Intervention Specialist in their region to resolve any immunization certificate issues. If contact with a medical provider regarding immunization intervals becomes necessary, such contact will be made by the DHEC Regional Immunization Program Manager or Disease Intervention Specialist.

School nurses working under the DHEC School Nurse Immunization Certificate Memorandum of Agreement (MOA) may issue the SC Certificate of Immunization (DHEC 1148 form) and, therefore, would be expected to scrutinize immunization records that a student or parent may present when requesting that the school nurse issue a South Carolina Certificate of Immunization. School nurses working under the DHEC School Nurse Immunization Certificate MOA should work closely with the DHEC

Regional Immunization Program Manager and Disease Intervention Specialist in their region to resolve any immunization certificate issues. If contact with a medical provider regarding immunization intervals becomes necessary, such contact will be made by the DHEC Regional Immunization Program Manager or Disease Intervention Specialist. The DHEC Immunization Division should be contacted at 1-800-277-4687 if an issue cannot be resolved locally. See question # 7 for more information regarding the DHEC School Nurse Immunization Certificate MOA.

7. What is the DHEC School Nurse Immunization Certificate Memorandum of Agreement (MOA)? What are the SC DHEC's responsibilities? What are the school district's responsibilities?

School districts may sign a MOA with the DHEC to enable school nurses to complete a South Carolina Certificate of Immunization for students who may present with documentation of their immunizations, but do not have a South Carolina Certificate of Immunization.

The responsibility of the DHEC under the MOA is to provide appropriate training for the school district's nurses regarding immunization dose requirements and the correct method for completing the South Carolina Certificate of Immunization. Training will be provided whenever immunization requirements for school entry change. The DHEC publishes "Immunization Requirements for Schools and Child Day Care Facilities" each January. Training is also provided for new nurses who are hired. When immunization requirements do not change there is no need for training, except for training of new school nurses. The annual review of the DHEC publication, "Immunization Requirements for Schools and Child Day Care Facilities" is necessary for all immunization providers. Locally, school nurses and the DHEC Regional Immunization Program Manager should collaborate annually in January or soon after the publication of the "Immunization Requirements for Schools and Child Day Care Facilities" to determine if training is needed.

The responsibilities of the school district are to provide the DHEC with contact information for a school district employee who will assist with coordinating training for the school nurses, ensure that school nurses issue the South Carolina Certificates of Immunization per the instructions provided by the DHEC, and notify the DHEC if new nurses are hired so that the appropriate training can be provided. School nurses must receive appropriate training before they can issue the South Carolina Certificates of Immunization.

A new MOA is completed at least annually. DHEC Regional Immunization Program Managers will contact school districts in January or soon after the "Immunization Requirements for Schools and Child Day Care Facilities" is published to initiate the process for MOA renewal.

8. What is the 45-Day report?

Pursuant to SC Regulation 61-8, forty-five (45) calendar days after the beginning of each school year, school principals must submit to the local health department, a report that summarizes the number of students enrolled, the number of students with valid South Carolina Certificates of Immunization on file, the number of students with specific exemptions, and the number of students who have been suspended for failure to comply with immunization requirements. The aforementioned information is reported to DHEC on a form entitled, "School Summary of Student Immunization Status" (DHEC 1124 form). This report is often referred to as the "45-Day Report." School principals may delegate the completion of the School Summary of Student Immunization form to a school employee. In many cases the school nurse is responsible for completing the 45-Day Report.

9. How are the audits determined?

Each year the DHEC's Immunization Division randomly selects 10% of the schools in the state for audit of student immunization records. The Immunization Division notifies the DHEC Regional Immunization Program Managers of the schools that should be audited. Regional DHEC staff should then notify selected schools to arrange an appointment for conducting the audit. Audits are usually carried out mid-October through mid-December. Additional schools may be audited if issues are raised from the school's 45-Day Report or if vaccine coverage levels are found to be low.

If a school is chosen for an immunization records audit, DHEC staff will request to see the immunization certificates for a sample of students. DHEC staff will examine each immunization certificate to determine if the form was completed correctly, if the certificate is current, if the correct number of vaccine doses were given, and if the intervals between doses were appropriate. DHEC staff will follow up with the entity that issued the certificate if errors in the intervals between doses are noted. The school will not be held accountable for errors in intervals between doses that are noted on certificates issued by entities other than the school.

10. Does the Family Educational Rights and Privacy Act allow schools to release copies of a student's immunization certificate to the DHEC for audit and/or reporting purposes without written permission from the student's parent / guardian?

Section 44-29-180 of the SC Code of Laws and 61-8 of the SC Code of Regulations authorize representatives of the DHEC to audit school records to ensure compliance with state laws and regulations regarding immunization requirements for school attendance. No parental, guardian, or student consent is required for state law compliance.

11. Which immunizations are required for school attendance?

Each January the DHEC publishes the “Immunization Requirements for Schools and Child Day Care Facilities.” Immunization requirements are posted on the DHEC’s website at <http://www.scdhec.gov/health/disease/immunization/immunizations.htm>.

12. Are the immunization forms available in Spanish?

As of the date noted on this document, only the South Carolina Certificate of Special Exemption (DHEC 1123 form) is available in Spanish.

Contact your local DHEC health department for blank South Carolina Certificates of Special Exemption (DHEC 1123 form).

13. Who should I contact if I have a question about immunizations?

Contact your DHEC Regional Immunization Program Manager if you have questions or concerns about immunizations or the immunization certification process. A listing of Regional Program Managers is available on the SC DHEC’s website at <http://www.scdhec.gov/health/disease/immunization/immunizations.htm> (click on “Contacts”).

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